



General Assembly

Substitute Bill No. 5668

February Session, 2004

* _____HB05668PS____042904_____*

**AN ACT CONCERNING THE MERGER OF THE DEPARTMENT OF
CORRECTION AND THE BOARD OF PAROLE AND THE CARRYING
OF HANDGUNS BY EMPLOYEES OF THE DEPARTMENT OF
CORRECTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) The functions, powers
2 and duties of the Board of Parole are assigned and transferred to the
3 Department of Correction.

4 (b) All officers and employees of the Board of Parole, including the
5 chairperson of the board, are assigned and transferred to the
6 Department of Correction and shall have such authority and perform
7 such duties as the Commissioner of Correction and the general statutes
8 may prescribe.

9 (c) All persons on parole are transferred to the custody of the
10 Commissioner of Correction.

11 Sec. 2. Section 54-124a of the general statutes, as amended by section
12 161 of public act 03-6 of the June 30 special session, is repealed and the
13 following is substituted in lieu thereof (*Effective from passage*):

14 (a) There shall be a Board of Parole within the Department of
15 Correction which shall consist of fifteen members, including a
16 chairman and two vice-chairmen who shall be appointed by the

17 Governor with the advice and consent of either house of the General
18 Assembly. The chairman and vice-chairmen shall be qualified by
19 training, experience or education in law, criminal justice, parole
20 matters or other related fields for the consideration of the matters
21 before them and the other members shall be qualified by training and
22 experience for the consideration of matters before them. In the
23 appointment of the members, the Governor shall endeavor to reflect
24 the racial diversity of the state.

25 (b) The term of the chairman and the term of each vice-chairman of
26 the board shall be coterminous with the term of the Governor or until a
27 successor is chosen, whichever is later. The terms of all members,
28 except the chairman, shall expire on July 1, 1994, and on or after July 1,
29 1994, members shall be appointed in accordance with subsection (a) of
30 this section as follows: Six members shall be appointed for a term of
31 two years; and six members shall be appointed for a term of four years.
32 Thereafter, all members shall serve for terms of four years. Any
33 vacancy in the membership of the board shall be filled for the
34 unexpired portion of the term by the Governor.

35 (c) The chairman shall devote full time to the performance of the
36 duties hereunder and shall be compensated therefor in such amount as
37 the Commissioner of Administrative Services determines, subject to
38 the provisions of section 4-40. The other members of said board shall
39 receive one hundred ten dollars for each day spent in the performance
40 of their duties and shall be reimbursed for necessary expenses incurred
41 in the performance of such duties. The chairman or, in his absence or
42 inability to act, a member designated by him to serve temporarily as
43 chairman, shall be present at all meetings of said board and participate
44 in all decisions thereof.

45 [(d) The Commissioner of Correction shall have the authority and
46 responsibility for (1) directing and supervising all administrative
47 affairs of the board, (2) preparing the budget and annual operation
48 plan in consultation with the board, (3) assigning staff to parole panels,
49 regions and supervision offices, (4) organizing parole hearing

50 calendars to facilitate the timely and efficient processing of cases, (5)
 51 implementing a uniform case filing and processing system, (6)
 52 establishing policy in all areas of parole including, but not limited to,
 53 decision making, release criteria and supervision standards, (7)
 54 establishing specialized parole units as deemed necessary, (8) entering
 55 into contracts, in consultation with the board, with service providers,
 56 community programs and consultants for the proper function of parole
 57 and community supervision, (9) creating programs for staff and board
 58 member development, training and education, (10) establishing,
 59 developing and maintaining noninstitutional, community-based
 60 service programs, and (11) signing and issuing subpoenas to compel
 61 the attendance and testimony of witnesses at parole proceedings. Any
 62 such subpoena shall be enforceable to the same extent as subpoenas
 63 issued pursuant to section 52-143.

64 (e) The chairman shall have the authority and responsibility for
 65 assigning members to panels, each to be composed of two members
 66 and the chairman or a member designated to serve temporarily as
 67 chairman, for each correctional institution. Such panels shall be the
 68 paroling authority for the institutions to which they are assigned and
 69 not less than two members shall be present at each parole hearing.]

70 [(f)] (d) In the event of the temporary inability of any member other
 71 than the chairman to perform his or her duties, the Governor, at the
 72 request of the board, may appoint a qualified person to serve as a
 73 temporary member during such period of inability.

74 [(g) The Board of Parole shall: (1) Adopt an annual budget and plan
 75 of operation, (2) adopt such rules as deemed necessary for the internal
 76 affairs of the board, (3) develop policy for and administer the
 77 operation of the Interstate Parole Compact, and (4) submit an annual
 78 report to the Governor and General Assembly.]

79 Sec. 3. Section 29-35 of the general statutes, as amended by section
 80 68 of public act 03-19, is repealed and the following is substituted in
 81 lieu thereof (*Effective October 1, 2004*):

82 (a) No person shall carry any pistol or revolver upon his or her
83 person, except when such person is within the dwelling house or place
84 of business of such person, without a permit to carry the same issued
85 as provided in section 29-28.

86 (b) The provisions of [this] subsection (a) of this section shall not
87 apply to (1) the carrying of any pistol or revolver by (A) any [parole
88 officer or] peace officer of this state, or parole officer or peace officer of
89 any other state while engaged in the pursuit of official duties, [or] (B)
90 any federal marshal or federal law enforcement agent, [or to] (C) any
91 member of the armed forces of the United States, as defined in section
92 27-103, as amended, or of this state, as defined in section 27-2, when on
93 duty or going to or from duty, [or to] (D) any member of any military
94 organization when on parade or when going to or from any place of
95 assembly, [or to the transportation of] or (E) any employee of the
96 Department of Correction while engaged in community supervision of
97 inmates, transportation of inmates, perimeter patrol of a correctional
98 facility or activation or training of emergency response personnel, (2)
99 any person transporting pistols or revolvers as merchandise, [or to] (3)
100 any person transporting any pistol or revolver while contained in the
101 package in which it was originally wrapped at the time of sale and
102 while transporting the same from the place of sale to the purchaser's
103 residence or place of business, [or to] (4) any person removing such
104 person's household goods or effects from one place to another, [or to]
105 (5) any person while transporting any such pistol or revolver from
106 such person's place of residence or business to a place or individual
107 where or by whom such pistol or revolver is to be repaired or while
108 returning to such person's place of residence or business after the same
109 has been repaired, [or to] (6) any person transporting a pistol or
110 revolver in or through the state for the purpose of taking part in
111 competitions, taking part in formal pistol or revolver training,
112 repairing such pistol or revolver or attending any meeting or
113 exhibition of an organized collectors' group if such person is a bona
114 fide resident of the United States and is permitted to possess and carry
115 a pistol or revolver in the state or subdivision of the United States in

116 which such person resides, [or to] (7) any person transporting a pistol
117 or revolver to and from a testing range at the request of the issuing
118 authority, or [to] (8) any person transporting an antique pistol or
119 revolver, as defined in section 29-33. For the purposes of this
120 subsection, "formal pistol or revolver training" means pistol or
121 revolver training at a locally approved or permitted firing range or
122 training facility, and "transporting a pistol or revolver" means
123 transporting a pistol or revolver that is unloaded and, if such pistol or
124 revolver is being transported in a motor vehicle, is not readily
125 accessible or directly accessible from the passenger compartment of the
126 vehicle or, if such pistol or revolver is being transported in a motor
127 vehicle that does not have a compartment separate from the passenger
128 compartment, such pistol or revolver shall be contained in a locked
129 container other than the glove compartment or console. Nothing in this
130 section shall be construed to prohibit the carrying of a pistol or
131 revolver during formal pistol or revolver training or repair.

132 [(b)] (c) The holder of a permit issued pursuant to section 29-28 shall
133 carry such permit upon one's person while carrying such pistol or
134 revolver.

135 Sec. 4. (NEW) (*Effective October 1, 2004*) Not later than July 1, 2005,
136 and annually thereafter, the Commissioner of Correction shall certify
137 to the Commissioner of Public Safety that any employee of the
138 Department of Correction who carries a pistol or revolver without a
139 permit as authorized by subparagraph (E) of subdivision (1) of
140 subsection (b) of section 29-35 of the general statutes, as amended by
141 this act, has satisfied annual firearm certification requirements of the
142 department.

143 Sec. 5. Subsection (c) of section 29-37 of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective*
145 *October 1, 2004*):

146 (c) Any person violating any provision of subsection [(b)] (c) of
147 section 29-35, as amended by this act, shall have committed an

148 infraction and shall be fined thirty-five dollars.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>

JUD *Joint Favorable Subst.*

GAE *Joint Favorable*

PS *Joint Favorable*